

REMARKS

Entry of the foregoing, reexamination, and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

By the foregoing amendment, the specification has been amended to remove recitation of the URLs originally included in the specification. Additionally, claim 1 has been amended to delete the phrase "(c) a nucleotide sequence which has an identity of at least 80% to a sequence of (a) or (b)[.]" Further, claims 13-14 have been canceled without prejudice or disclaimer to the subject matter recited therein. No new matter has been added.

I. Objection to Specification

The Examiner has objected to the specification for containing, on page 7, lines 11-12 and page 9, line 5, various web page URLs. See OFFICE ACTION at 2.

Applicants do not believe reference to these URLs are necessary to be part of the application in order to comply with the requirements under 35 U.S.C. § 112, first paragraph. Accordingly, to expedite prosecution in the subject application, application, Applicants have deleted the URLs mentioned by the Examiner as well as several other URLs present on pages 25 and 26 of the specification.

In view of the amendments to the specification, withdrawal of this objection to the specification is respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 112

A. Claims 1-3 and 5-12 have been rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. In particular, the Examiner has stated that the claims, when given their broadest

reasonable interpretation, encompass isolated nucleic acids of any form having 80% identity to SEQ ID NO: 1-17 or complements thereof and that the present application does not provide adequate written description for this full scope. See OFFICE ACTION at 3-4. Applicants respectfully traverse this rejection.

Nevertheless, to expedite prosecution in the present application and not to acquiesce to the Examiner's rejection, Applicants have amended claim 1 to delete the phrase "(c) a nucleotide sequence which has an identity of at least 80% to a sequence of (a) or (b)[.]" In view of such amendment, withdrawal of this rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

B. Claims 13-14 have been rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has argued that the recited method steps in both claims are incomplete since such steps do not result in the production of the objective recited in the preamble of the claims. See OFFICE ACTION at 5. Applicants respectfully traverse this rejection.

However, to expedite prosecution in the present application and not to acquiesce to the Examiner's rejection, claims 13 and 14 have been canceled without prejudice or disclaimer to the subject matter recited therein. The Examiner's rejection is thereby rendered moot and withdrawal of such rejection is respectfully requested.

III. Claim Rejected Under 35 U.S.C. § 102

Claims 1-2 and 5-11 have been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Houbavly et al. (August 2003). See OFFICE ACTION at 5-7. In particular, the Examiner has stated: "Of the sequences set forth in SEQ ID NO: 1-6 of the instant invention, SEQ ID NO: 1, 3 and 5 do not share significant sequence similarity to the prior art miR-302 sequence to Houbavly et al. However, SEQ ID NO: 2, 4 and 6 are at least 80% identical to the prior art miRNA-302 . . ." OFFICE ACTION at 6. Applicants respectfully traverse this rejection.

As discussed above, to expedite prosecution in the present application and not to acquiesce to the Examiner's rejection, Applicants have amended claim 1 to delete the phrase "(c) a nucleotide sequence which has an identity of at least 80% to a sequence of (a) or (b)[.]" As such, the invention set forth in the currently pending claims is neither taught nor suggested by Houbavly et al. The Examiner is, therefore, respectfully requested to withdraw this rejection.

IV. Claim Objection

Claim 4 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form include all of the limitations of the base claim and any intervening claims. At this time, Applicants have not amended claim 4 to become an independent claim since it is Applicants position that all of the currently pending claims, including claims 1 and 3 from which claim 4 depends, are allowable.

V. Conclusion

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions related to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:



Susan M. Dadio
Registration No. 40,373

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620